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10/624,170	07/21/2003	Raj Bridgelall	1554/SYMBP152US	6362
23623	7590	12/14/2007	EXAMINER	
AMIN, TUROCY & CALVIN, LLP 1900 EAST 9TH STREET, NATIONAL CITY CENTER 24TH FLOOR, CLEVELAND, OH 44114			ZURITA, JAMES H	
			ART UNIT	PAPER NUMBER
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			12/14/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/624,170	BRIDGELLALL, RAJ	
	Examiner	Art Unit	
	James H. Zurita	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 7 August 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-40 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Prosecution History

On 21 July 2003, applicant filed the instant application, without claim to priority.

On 7 June 2006, the Examiner issued a restriction requirement.

On 7 July 2006, applicant elected Invention I, claims 1-40, with traverse.

On 15 September 2006, the Examiner rejected claims 1-40 as follows:

claims	35 USC	Reference
1-6, 8-18 22-35, 40	102(e)	VanErlach (US PG-PUB 20040204063).
7	103(a)	VanErlach and Gellman (US PG-PUB 2002/0035536)
19-21	103(a)	VanErlach and Freund (US PG-PUB 20030187787)
36-37	103(a)	VanErlach and Edgett (US PG-PUB 20040034771)
38	103(a)	VanErlach and Grunes (US PG-PUB 2002/0113707)
39	103(a)	VanErlach and Hoffberg (US 6791472)

On 15 December 2006, applicant amended claims 1, 3, 7, 16-19, 27-32 and 39 and cancelled claims 41-111.

On 9 March 2007, the Examiner issued a final rejection of claims 1-40.

On 10 May 2007, applicant filed an after final amendment and requested reconsideration. The amendment was not entered.

On 30 May, 2007, the Examiner issued an advisory action.

On 7 August 2007, applicant filed an appeal brief.

Response to Appeal Brief

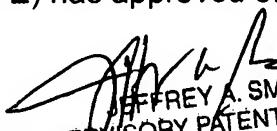
In view of the appeal brief of 7 August 2007, PROSECUTION IS HEREBY REOPENED. New grounds of rejection of claims 1-40 are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:



JEFFREY A. SMITH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Response to Arguments

Applicant's arguments in the Brief of 7 August 2007 have been fully considered but they are not persuasive.

As to data input component, Applicant admits that Van Erlach discloses data input components that permit commerce interactions between users and computers, Appeal Brief at 4.

As to coordination component, brief at 4-5, applicant first argues that Van Erlach does not disclose applicant's definition of article of commerce.

- As to article of commerce, Applicant argues:

...Examiner has changed the definition of the term "article of commerce" to media such as books. In Paragraph 0007 [sic] the term is defined as dating information. This

interpretation differs from the subject claim, which states "the article of commerce," referring to the preceding term in the claim, "an article of commerce." Furthermore, the cited passage provides no suggestion or motivation to combine the two distinct implementations cited by Examiner in Paragraphs 0007 and 0032. Therefore, Examiner cannot change the definition of the term "article of commerce" to anticipate the subject claim. Consequently...[etc.] page 5, Appeal Brief, emphasis added.

Van Erlach discloses articles of commerce such as in paragraph 0007, which applicant characterizes as dating information] and stock transactions. Both of these are envisioned by Applicant "...dating services and ...stock transactions..." [page 32 of specifications, emphasis added].

Applicant does not provide explicit definition for article of commerce.

...Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. *Toro Co. v. White Consolidated Industries Inc.*, 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999) (meaning of words used in a claim is not construed in a "lexicographic vacuum, but in the context of the specification and drawings."). Any special meaning assigned to a term "must be sufficiently clear in the specification that any departure from common usage would be so understood by a person of experience in the field of the invention." *Multiform Desiccants Inc. v. Medzam Ltd.*, 133 F.3d 1473, 1477, 45 USPQ2d 1429, 1432 (Fed. Cir. 1998). See also MPEP § 2111.01.

Since applicant has provided no explicit definition for the term "article of commerce" the Examiner relies on the term's ordinary meaning and broadest reasonable interpretation. *E-Pass Technologies, Inc. v. 3Com Corporation*, 343 F.3d 1364, 1368, 67 USPQ2d 1947, 1949 (Fed. Cir. 2003).

During prosecution, claims are given their broadest reasonable interpretation:

USPTO personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim should not be read into the claim. *E-Pass Techs., Inc. v. 3Com Corp.*, 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted "in view of the specification" without importing limitations from the specification into the claims unnecessarily). *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of

language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. MPEP 2106.

As to location awareness component, applicant presents no arguments.

As to payment component, Applicant argues, page 5 of Appeal Brief:

...*Van Erlach* is also silent with respect to a **payment component** that facilitates payment of the article of commerce...the user does not pay for articles of commerce.

In response, *VanErlach* facilitates payment for articles of commerce:

...a marketplace for said security may be created where **users/subscribers may buy and sell** this futures security at the current value determined by bid/ask methods, using **money, credit or other forms of perceived value**... [0017, emphasis added]

Examiner cites particular columns and line numbers in the references as applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Objections to the claims

The following claims are objected to because of informalities:

Claim 26 refers to "...the security component..." and lacks antecedent basis.

For purposes of Examination, the term will be interpreted to refer to systems whose actions are done with cryptography.

Claim Rejections - 35 USC § 112

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 26 refers to "...the security component..." which is not described in the specifications.

The term "...automatically..." in claim 26 is a relative term which renders the claim indefinite. The term "...automatically..." is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For purposes of Examination, the term will be interpreted to refer to actions that are carried out by computers.

Claim 2-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims are written as actions, while claim 1 refers to a system with various components. See MPEP 2173.05(p).

A single claim which claims both an apparatus and the method steps of using the apparatus is indefinite under 35 U.S.C. 112, second paragraph. *>*IPXL Holdings v. Amazon.com, Inc.*, 430 F.2d 1377, 1384, 77 USPQ2d 1140, 1145 (Fed. Cir. 2005); <*Ex parte Lyell*, 17 USPQ2d 1548 (Bd. Pat. App. & Inter. 1990) *>(< claim directed to an automatic transmission workstand and the method * of using it * held ** ambiguous and properly rejected under 35 U.S.C. 112, second paragraph>) <

Such claims *>may< also be rejected under 35 U.S.C. 101 based on the theory that the claim is directed to neither a "process" nor a "machine," but rather embraces or overlaps two different statutory classes of invention set forth in 35 U.S.C. 101 which is drafted so as to set forth the statutory classes of invention in the alternative only. *Id.* at 1551.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-40 are rejected under 35 U.S.C. 101 because they refer to component(s), which are programs per se, as described in the specifications, page 4, line 29 through page 5, line 5. See MPEP 2109.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-6, 8-18 22-35 and 40, as interpreted, are rejected under 35 U.S.C. 102(e) as being anticipated by VanErlach (US PG-PUB 20040204063).

As per claim 1, VanErlach discloses an m-commerce system, comprising a data input component that receives item data representative Of an article of commerce (see, for example, at least paragraph 0007, Fig. 3, wireless device 1); a coordination component that presents the article of commerce to a vendor for bid (see, for example, at least paragraph 0032); a location-awareness component that tracks the location of the data input component (see, for example, at least paragraph 0016); and

a payment component that facilitates payment of the article of commerce (see, for example, at least paragraph 0017).

As per claim 2, VanErlach discloses that the data input component is a wireless portable terminal (see, for example, at least paragraph 0002).

As per claim 3, VanErlach discloses that the data input component uploads a shopping list to the coordination component, which coordination component seeks the bid for transacting the article of commerce (see, for example, paragraph 0013, Fig. 4).

As per claim 4, VanErlach discloses that the data input component downloads item information from at least one of an appliance and a computer (see, for example, at least paragraph 0028).

As per claim 5, VanErlach discloses that the data input component is in continuous communication with the coordination component (see, for example, at least paragraph 0016).

As per claim 6, VanErlach discloses that the data input component communicates information using a virtual private network (see paragraph 0012; see also Fig. 4, for connection to telcomm service provider).

As per claim 8, VanErlach discloses that the data input component locates the article of commerce via RF backscattering (see, for example, at least paragraph 0012).

As per claim 9, VanErlach discloses that the data input component facilitates receiving the item data by at least one of manual input, a dataform scanning system, an image capture system, an audio input system, a magnetic reading assembly, and an RF

transponder reading assembly see, for example, at least paragraph 0007, Fig. 3, wireless device 1).

As per claim 10, VanErlach discloses that the location awareness component includes at least one of a GPS system, a general packet radio services network, and a RTLS architecture (see, for example, at least paragraph 0016)

As per claim 11, VanErlach discloses the coordination component facilitates communication of awareness data to both the data input component and a vendor (see, for example, at least paragraph 0012 and references to retail stores).

As per claim 12, VanErlach discloses that the awareness data communicated to the data input component provides at least one of notification that the vendor is located nearby, and a name and/or an address of the vendor (see, for example, at least paragraph 0030).

As per claim 13, VanErlach discloses that the awareness data communicated to the vendor provides at least one of identification of the user of the data input component and notification that the data input component is located nearby (see, for example, at least paragraph 0015, concerning identifying information about the device or shopper).

As per claim 14, VanErlach discloses that the awareness data facilitates pushing marketing information to the user of the data input component, which marketing information is targeted to the user (see, for example, at least paragraph 0032).

As per claim 15, VanErlach discloses that the coordination component is disposed at least one of remotely on a global communication network and a local

backoffice network (see, for example, at least paragraph 0012 and references to the Internet, a global communication network).

As per claim 16, VanErlach discloses that the coordination component coordinates inter-component functions between the data input component (wireless device), the location awareness component (GPS system, for example), and the payment component (see, for example, at least paragraph 0017).

As per claim 17, VanErlach discloses that the secure payment component provides secure communication using at least one of a biometric, radio frequency identification (RFID) data, and an article-of-commerce dataform (see, for example, at least paragraph 0029).

As per claim 18, VanErlach discloses that the secure payment system distinguishes selection of a first article of commerce from a second article of commerce by processing both RFID data and dataform data of the first article of commerce (see, for example, at least paragraph 0012, since each article of commerce has a RFID or barcode).

As per claim 22, VanErlach discloses that the data input component outputs at least one of a map and location information that indicates the location of the article of commerce in a store (see, for example, at least paragraph 0013).

As per claim 23, VanErlach discloses that the data input component receives via the coordination component, item information associated with the article of commerce (see, for example, at least paragraph 0013).

As per claim 24, VanErlach discloses that the coordination component retrieves item information associated with the article of commerce from a vendor data resource, and downloads the information to the data input component for presentation to the user (see, for example, at least paragraph 10015).

As per claim 25, VanErlach discloses that the coordinating component manages a transaction between a user of the data input component and a vendor selected to provide the article of commerce (see, for example, at least paragraph 0012, see also references to purchasing via download or physical shipment, as in paragraph 0028).

As per claim 26, VanErlach discloses that the security component facilitates at least one of deactivation and activation of an RFID tag associated with the article of commerce when the data input component reads RFID tag data (see, for example, at least paragraph 0012).

As per claim 27, VanErlach discloses that the secure payment component authenticates the data input component to a store network (see, for example, at least paragraph 0017).

As per claim 28, VanErlach discloses that the location awareness component tracks the data input component in a wide area network and a local area network (see, for example, at least paragraph 0012, for internet, a wide area network; see also at least paragraph 0016 for local wireless network).

As per claim 29, VanErlach discloses that the secure payment component utilizes electronic article surveillance (EAS) technology with bi-stable and resettable EAS data in an RFID tag (paragraph 0012).

As per claim 30, VanErlach discloses that the location awareness component automatically updates a vehicle location tracking system to present a location of the vendor offering the bid (see, for example, at least paragraph 0029). See also applicant admissions, page 4 of the Appeal Brief, "...a user can be notified when other ... users are within a given location.

As per claim 31, VanErlach discloses that the location awareness component automatically updates the data input component with store information of a store as the data input component passes within range of a compatible store communication system (see, for example, at least paragraph 0029).

As per claim 32, VanErlach discloses that the data input component automatically notifies a user that the article of commerce is present in the store (see, for example, at least paragraph 0012).

As per claim 33, VanErlach discloses that the data input component automatically notifies a user of a location of the article of commerce in the store (see, for example, at least paragraph 0013).

As per claim 34, VanErlach discloses that the location awareness component facilitating synchronization of data of the data input component with a second data input component over a wireless personal data network (see references to communications methods with other wireless devices, as in the abstract, for example).

As per claim 35, VanErlach discloses that the coordination component downloads multimedia content related to the article of commerce to the data input

component in response to the item data being received (see, for example, at least paragraph 0012).

As per claim 40, VanErlach discloses that the data input component is one of a cellular telephone and a connected person data assistant (see, for example, references to cell phone, as in the abstract).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 7, as interpreted, is rejected under 35 U.S.C. 103(a) as being unpatentable over VanErlach in view of Gellman (US PG-PUB 2002/0035536).

As per claim 7, VanErlach **does not** specifically disclose that a user of the data input component specifies a price range for a list of the articles of commerce, in response to which the coordination component receives] one or more of the bids to transact the list. This feature is disclosed by Gellman. See, for example, at least paragraph 0036.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine VanErlach and Gellman to disclose that a user of the data input component specifies a price range for a list of the articles of commerce, in response to which the coordination component receives] one or more of the bids to transact the list.

One of ordinary skill in the art at the time the invention was made to would have been motivated to combine VanErlach and Gellman to disclose that a user of the data input component specifies a price range for a list of the articles of commerce, in response to which the coordination component receives] one or more of the bids to transact the list for the obvious reason that a user can thereby be able to buy all the items he needs on a weekly basis at the lowest price.

Claims 19-21, as interpreted, are rejected under 35 U.S.C. 103(a) as being unpatentable over VanErlach in view of Freund (US PG-PUB 20030187787).

As per claims 19-21, VanErlach does not specifically disclose that the payment component facilitates secure communication of item data via a secure key cryptographic engine (claim 19). VanErlach does not specifically disclose that the engine receives as an input at least one of a manufacturer's key, a retailer's key, a unique item ID, and a locate command (claim 20). VanErlach does not specifically disclose that the engine outputs at least one of a product lookup code and a set/reset password (claim 21).

As per claim 19, Freund discloses that the payment component facilitates secure communication of item data via a secure key cryptographic engine. See, for example, at least paragraph 0012.

As per claim 20, Freund discloses that the engine receives as an input at least one of a manufacturer's key, a retailer's key, a unique item ID, and a locate command. See, for example, at least paragraph 0014.

As per claim 21, Freund discloses that the engine outputs at least one of a product lookup code and a set/reset password. See, for example, paragraph 0051.

It would have been obvious for one of ordinary skill at the time the invention was made to combine VanErlach with Freund to disclose that the payment component facilitates secure communication of item data via a secure key cryptographic engine (claim 19), that the engine receives as an input at least one of a manufacturer's key, a retailer's key, a unique item ID, and a locate command (claim 20) and that the engine outputs at least one of a product lookup code and a set/reset password (claim 21).

One of ordinary skill at the time the invention was made would have been motivated to combine VanErlach with Freund to disclose that the payment component facilitates secure communication of item data via a secure key cryptographic engine (claim 19), that the engine receives as an input at least one of a manufacturer's key, a retailer's key, a unique item ID, and a locate command (claim 20) and that the engine outputs at least one of a product lookup code and a set/reset password (claim 21) for the obvious reason that cryptography provides payment assurance to counterparties and permits customers and merchants to do business online with greater comfort.

Claims 36-37, as interpreted, are rejected under 35 U.S.C. 103(a) as being unpatentable over VanErlach in view of Edgett et al. (US PG-PUB 20040034771).

VanErlach does not specifically disclose *that* the data input component transmits a unique password to a tag of the article of commerce to facilitate payment for that article of commerce (claim 36). VanErlach does not specifically disclose *that* the tag is an RFID tag that compares the unique password with a password of the RFID tag (claim 37). These features are disclosed by Edgett, as in paragraph 0049, for example.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine VanErlach and Edgett to disclose *that* the data input component transmits a unique password to a tag of the article of commerce to facilitate payment for that article of commerce (claim 36), and to disclose *that* the tag is an RFID tag that compares the unique password with a password of the RFID tag (claim 37).

One of ordinary skill in the art at the time the invention was made would have been motivated to combine VanErlach and Edgett to disclose *that* the data input component transmits a unique password to a tag of the article of commerce to facilitate payment for that article of commerce (claim 36), and to disclose *that* the tag is an RFID tag that compares the unique password with a password of the RFID tag (claim 37) for the obvious reason that doing so facilitates returning items by the user to a vendor.

Claim 38, as interpreted, is rejected under 35 U.S.C. 103(a) as being unpatentable over VanErlach in view of Grunes et al., US PG-PUB 2002/0113707.

As per claim 38, VanErlach does not specifically disclose that the tag is at least one of received programmed with the password and programmed with the password at a time of source marking. This is disclosed by Grunes, paragraph 0016. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine VanErlach and Grunes to disclose that the tag is at least one of received programmed with the password and programmed with the password at a time of source marking.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine VanErlach and Grunes to disclose that the tag is at least

one of received programmed with the password and programmed with the password at a time of source marking for the obvious reason that a container can be shown to contain articles of commerce that have not been tampered with or misused.

Claim 39, as interpreted, is rejected under 35 U.S.C. 103(a) as being unpatentable over VanErlach in view of Hoffberg (US 6791472).

As per claim 39, VanErlach does not specifically disclose that the secure payment system includes a tag communication process that is prioritized according to a bandwidth provisioning architecture. This is disclosed by Hoffberg, as in Col. 25, line 60-col 27, line 35.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine VanErlach and Hoffberg to disclose that the secure payment system includes a tag communication process that is prioritized according to a bandwidth provisioning architecture.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine VanErlach and Hoffberg to disclose that the secure payment system includes a tag communication process that is prioritized according to a bandwidth provisioning architecture for the obvious reason that users may be impatient shoppers and may drop a request when it is taking too long to get responses.

Conclusion

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James Zurita
Primary Examiner
Art Unit 3625
29 November 2007


JAMES ZURITA
PRIMARY EXAMINER